

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
AT ERIE**

|                   |   |                         |
|-------------------|---|-------------------------|
| TRACY BRADLEY,    | ) |                         |
|                   | ) |                         |
| <i>Plaintiff,</i> | ) | Civil Action No. 16-295 |
|                   | ) |                         |
| v.                | ) |                         |
|                   | ) | ORDER                   |
|                   | ) |                         |
| CO PUTNAM,        | ) |                         |
|                   | ) |                         |
| <i>Defendant.</i> | ) |                         |
| _____             | ) |                         |

**ORDER ADOPTING REPORT AND RECOMMENDATION**


Before the Court is the Report and Recommendation (“R&R”) of the Honorable Susan Paradise Baxter, United States Magistrate Judge, recommending that the Court deny Plaintiff’s Motion for Emergency Medical Care [61]. (Doc. 67; Tr., Doc. 70). Specifically, the R&R construed Plaintiff’s motion as one seeking a temporary restraining order or a preliminary injunction. (Doc. 70 at 10-11). Plaintiff, in his motion, alleges that he was not being adequately treated for a cyst. (See Doc. 67). At a hearing that occurred approximately one week after Plaintiff’s filing, Plaintiff, having been confronted with his medical records indicating that he was, in fact, being treated, clarified that the basis for his motion was pain that he had suffered in the past. (See Doc. 70 at 1-10). A preliminary or temporary injunction may be granted only where the party seeking the injunction demonstrates, *inter alia*, that he is likely to succeed on the merits, and that he will suffer irreparable harm if the injunction is denied. (*Id.* at 11 citing *Bimbo Bakeries USA, Inc. v. Botticella*, 613 F.3d 102, 109 (3d Cir. 2010)). Thus, the R&R recommends denying Plaintiff’s backward-looking motion. (Doc. 70 at 10-12).

Plaintiff did not file objections to the R&R. In any event, for the reasons stated therein, the R&R is clearly correct that the immediate issue raised by Plaintiff's motion has been resolved, and, therefore, that a preliminary injunction would be improper. *See Bimbo Bakeries*, 613 F.3d at 109. Accordingly, the Court **HEREBY ORDERS**:

- (1) The Court **ADOPTS** the Report and Recommendation [Doc. 67];
- (2) Plaintiff's Motion for Emergency Medical Care [Doc. 61] is **DENIED**;
- (3) The clerk shall send copies of this Order to the parties.

**IT IS SO ORDERED.**

DATED this 6<sup>th</sup> day of June, 2018.

  
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BARBARA J. ROTHSTEIN  
UNITED STATES DISTRICT JUDGE